

MAR 25 2008

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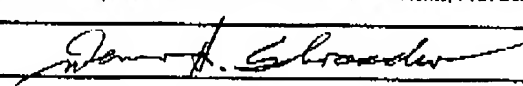
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|---|----------------------|------------------------|--|
| <b>TRANSMITTAL FORM</b><br><br>(to be used for all correspondence after initial filing) | Application Number   | 10/613,946             |  |
|   | Filing Date          | 07/07/2003             |  |
|   | First Named Inventor | Kevin T. Connelly      |  |
|   | Art Unit             |                        |  |
|   | Examiner Name        |                        |  |
| Total Number of Pages in This Submission  | 2                    | Attorney Docket Number |  |

| ENCLOSURES (Check all that apply)   |  |   |
|---|--|---|
| <input type="checkbox"/> Fee Transmittal Form<br><input type="checkbox"/> Fee Attached<br><input checked="" type="checkbox"/> Amendment/Reply<br><input type="checkbox"/> After Final<br><input type="checkbox"/> Affidavits/declaration(s)<br><input type="checkbox"/> Extension of Time Request<br><input type="checkbox"/> Express Abandonment Request<br><input type="checkbox"/> Information Disclosure Statement<br><br><input type="checkbox"/> Certified Copy of Priority Document(s)<br><input type="checkbox"/> Reply to Missing Parts/ Incomplete Application<br><input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Drawing(s)<br><input type="checkbox"/> Licensing-related Papers<br><input type="checkbox"/> Petition<br><input type="checkbox"/> Petition to Convert to a Provisional Application<br><input type="checkbox"/> Power of Attorney, Revocation<br><input type="checkbox"/> Change of Correspondence Address<br><input type="checkbox"/> Terminal Disclaimer<br><input type="checkbox"/> Request for Refund<br><input type="checkbox"/> CD, Number of CD(s) _____<br><input type="checkbox"/> Landscape Table on CD | <input type="checkbox"/> After Allowance Communication to TC<br><input checked="" type="checkbox"/> Appeal Communication to Board of Appeals and Interferences<br><input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)<br><input type="checkbox"/> Proprietary Information<br><input type="checkbox"/> Status Letter<br><input type="checkbox"/> Other Enclosure(s) (please identify below): |
| Remarks   |  |   |

| SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT |  |          |        |
|--|--|----------|--------|
| Firm Name                                  |  |          |        |
| Signature                                  |  |          |        |
| Printed name                               | Werner H. Schroeder  |          |        |
| Date                                       | 03/25/2008   | Reg. No. | 36,367 |

| CERTIFICATE OF TRANSMISSION/MAILING   |  |      |            |
|---|--|------|------------|
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| Typed or printed name   | Werner H. Schroeder  | Date | 03/25/2008 |

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MAR 25 2008

**Before the Board of Appeals and Interferences****Application No. 10/613,946**

This communication is a response to a Notification of a Non-Compliant Appeal Brief having a mailing date of 03/11/2008 and setting forth a period of reply of one month which would expire on 04/11/2008.

The notification states that the brief does not contain a correct copy of claim 1 in the amendment filed on 03/10/2006.

An amended claim 1 in its proper form is hereby presented:

1. (previously amended) A shade and rain umbrella combination including a basic umbrella having a shaft and expanding ribs at a top of said shaft, a shade cover placed over said ribs and fastened to a peripheral point at the end of said ribs, said shade cover consisting of a woven mesh fabric for protection against ultraviolet rays of the sun but at the same time allowing ventilation air to pass through said fabric, a separable water proof rain cover is placed over said shade cover in the event of rain, said rain cover is substantially the same size as said shade cover, means for fastening said rain cover to said peripheral point at each of the ends of said ribs, whereby said shade cover is used in sunshine and said rain cover is added in the event of rain but kept separate otherwise.

  
Werner H. Schroeder

Reg. No. 36,387

Date: 03/25/08

## FAX COVER SHEET

To: USPTO  
Patent Appeal Center  
Sharmalla Coates

Date: 03/25/08

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Number of pages including cover sheet: 3

Comments: \_\_\_\_\_

Response To a "Notification of Non-Compliant  
Appeal Brief"

Werner H. Schroeder  
Signature